

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

**CONCORD MANAGEMENT AND
CONSULTING LLC,**

Defendant.

Crim. No. 18-CR-32-2 (DLF)

**GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION TO DISCLOSE
EX PARTE COMMUNICATIONS BETWEEN THE COURT AND THE GOVERNMENT
REGARDING THE GOVERNMENT’S INTENTION TO SEEK
A SUPERSEDING INDICTMENT**

The United States of America, by and through undersigned counsel, respectfully submits this response to Defendant Concord Management and Consulting’s Motion to Disclose *Ex Parte* Communications Regarding the Government’s Intention to Seek a Superseding Indictment [Dkt. No. 225]. As the government informed the Court and defense counsel, the government made the communications that are referenced in defense counsel’s motion *ex parte* and under seal because those communications disclosed a matter occurring before the Grand Jury, and Rule 6(e)(2)(B)(vi) of the Federal Rules of Criminal Procedure prohibits attorneys for the government from disclosing matters occurring before the Grand Jury. With the Court’s permission, the government provided defense counsel a copy of its two *ex parte*, under seal filings. The government does not object to defense counsel being provided with a copy of all of the *ex parte*, under seal communications referenced in Concord’s motion; however, the government has one proposed redaction that it suggests making to the transcript of the October 29, 2019 telephonic hearing and one proposed redaction to its October 25, 2019 filing before either are unsealed to the general public, as they

disclose a matter occurring before the Grand Jury. The government is attaching the proposed redactions as Exhibits A and B to this pleading. Those exhibits will be provided to the Court *ex parte*, and under seal, given that the Court has not yet ruled on the defense's motion [Dkt. No. 225] or these proposed redactions by the government.

WHEREFORE, the government submits that it does not oppose the granting of Concord's motion with the exception of one proposed redaction to the October 29th telephonic hearing transcript and one proposed redaction to the government's October 25th filing.

Respectfully submitted,

JOHN C. DEMERS
Assistant Attorney General for National Security

JESSIE K. LIU
United States Attorney

By: /s/
Heather N. Alpino
U.S. Department of Justice
National Security Division
950 Pennsylvania Ave. NW
Washington, D.C. 20530
Telephone: (202) 514-2000

By: /s/
Jonathan Kravis
Luke Jones
Kathryn Rakoczy
555 Fourth Street NW
Washington, D.C. 20530
Telephone: (202) 252-6886